

LEGISLATION AND RULES COMMITTEE MINUTES

November 21, 2019 – 1pm – 4pm – BOSW Conference Room #340

REMOTE MEETING ACCESS

WebEx Video Conference or Conference Call Participation: Meeting invite sent out by Board includes details for participating via WebEx. Contact Megan Gallagher at megan.gallagher@state.mn.us with questions.

COMMITTEE MEMBERS

Board Members Present: Stephanie Jacobson, LSW; Lori Thompson, LSW Member; Pa Der Vang, LICSW;

Board Members Present via WebEx: Ken Middlebrooks, Public Member

Board Members Absent: Angie Hirsch, LICSW, Board Chair; Thomas Brooks, Public Member; Jolene Engelking, LISW; Shawn Yates, Public Member

Board Advisory Committee Stakeholders Present: Karen Goodenough, LGSW, NASW-MN

Board Advisory Committee Stakeholders Absent: Karen Frees, LICSW, MN Coalition

Board Staff: Kate Zacher-Pate, LSW, Executive Director; Megan Gallagher, JD, Regulations Analyst; Michelle Kramer-Prevost, LISW, Assistant Director

AGENDA

1. **Welcome and call meeting to order: [Vang]**
 - a. Vang called the meeting to order at 1:13 p.m.
 - b. Vang chaired in Hirsch's absence.
2. **Minutes: [Attached]**
 - a. August 22, 2019 approved.
3. **2020 Legislative Proposal: [Attached]**
 - a. Staff Recommendation to add cultural awareness to definition of social work ethics
 - i. Staff noted cultural awareness training was discussed at the November board meeting and recent meeting of MH workforce group. The inclusion of cultural competency as a required content area came up several years ago as a possible mandate for all licensed professionals.
 - ii. In the past, it was rejected as a mandate due to the cost and not wanting to add more specificity to what was required.

- iii. Intent is to make it clear that cultural awareness is a piece of ethical practice.
- iv. Goodenough noted that NASW did a lot of work to come to cultural awareness and social diversity in the Code of Ethics and the consistency in language makes it easier to understand.
- v. Agreement from Board members that this is an important topic to specifically name in statute and make clear that it is a value. Consensus to add this provision.
- vi. Vang noted this is a snapshot in time and these terms are always changing. This is our best effort for the time.
- vii. Goodenough also notes that this will help people know what counts as ethics CEs.
- b. Status update
 - i. Governor's Office & Minnesota Management and Budget (MMB)
 - 1. KZP provided update that Governor's Office has given permission to seek authors and begin drafting the legislation. Had already been given permission to go to Revisor.
 - ii. Revisor
 - 1. There is a current file open at the Revisor's Office and assigned staff person. He is currently working with proposed sections to get changes formatted and ready for bill.
 - iii. Office of the Attorney General
 - 1. Still have not met with AAG General Counsel regarding the changes.
- c. Legislative Strategy
 - i. Review/Update Project Plan
 - 1. Project Plan is mostly complete. Many of the items complete. Staff will update the project plan.
 - ii. Next Steps
 - 1. After Thanksgiving holiday KZP will begin seeking meetings with legislators via key legislative staff.
 - 2. Will look to Committee Administrators, Senator Benson, Senator Abeler, as chairs of policy committees.
 - 3. On House side, KZP will meet with Representative Liebling although she chairs House Finance not Policy, but because of previous relationship, will seek to meet with her. Will also have to meet with Representative Moran who is Chair of House Policy.
 - 4. Goal will be to meet with all members of each committee because of the size of the proposal.
 - 5. Staff are in the process of developing shorter talking points and summary documents to assist in educating legislators about the proposal.
 - 6. Committee members discussed who will assist in meetings with legislators. Board member presence helps to communicate that there is full Board support for the proposal. It could also be helpful to have NASW as a participant to communicate that this is not controversial.
 - 7. NASW has a licensure committee which is starting with this proposal for L&R. Goodenough requested staff create a side-by-side that helps to show what the proposed changes are. Staff will create this document to use in educating public and legislators about the proposal.
 - 8. NASW has a meeting in January to discuss supporting the proposal.

9. MN coalition will also need to review the proposal and staff will provide a full training for the Advisory Committee. Board will ask Advisory Committee representatives to take the information back to their associations.

4. Plan Continued Work of L&R Committee

- a. Prioritize and plan review of remaining sections (Legislative Sessions 2021, 2022, 2023)
 - i. Fees 148E.180 (Budget year)
 - ii. Supervision 148E.100 to 148E.125
 - iii. Standards of Practice 148E.185 to 148E.290
 - iv. Exemptions 148E.065 (Budget year)
 - v. Provisional Licenses 148D
- b. Exemptions and Provisionals are the most controversial. Minnesota is one of two states that has a provisional licensure option. Many jurisdictions and ASWB do not agree that the provisional meets standards because it doesn't require individuals to pass the exam.
- c. Provisional license was initially pushed forward by the professions in 2007 following several tragedies in Hmong community. It was initially geared toward refugees to serve refugee communities.
- d. Now it is viewed as the Board helping the mental health workforce become more diverse and serve more people. There is a current trend to offer alternate paths to licensure and career ladders.
- e. Provisionals and Exemptions will need to be done separately and require a lot of stakeholder involvement and outreach.
- f. Current 2020 proposal will be resource intensive. Staff noted there may not be enough resources to get the stakeholder involvement and groundwork done for a 2021 legislative session on either exemptions or provisional licenses.
- g. Staff and Committee members discussed the possible pros and cons of moving forward with controversial proposal in 2021. Consensus that fees, supervision, standards of practice could be moved as a package in 2021.
- h. Supervision is a hot topic and needs some changes. With work on supervision, will need to convene other mental health boards to attempt to create common standards around licensing supervision.
- i. If committee starts with Fees, Supervision, and Standards, the Practice Act work will be mostly done. That gives the committee the opportunity to really focus on the other two most-resource intensive areas. Can also start planting the seed with legislators around the exemptions while moving forward the other provisions.
- j. Staff could bring the fees to this committee in time to be included in the budget planning that begins this summer. This includes the CEP fee structure.
- k. Members agree to move forward with work on Fees, Supervision, and Standards for inclusion in a 2021 legislative proposal.

5. Public Comment

- a. No members of the public were present

6. Other Business

- a. Cancel December 26, 2019 meeting

- b. Plan 2020 meetings. Continue 4th Thursday as usual time. 1/30; 2/27; no March; April 9 (not 23); 5/28; 6/25; 7/23; 8/27; 9/24; 10/22; no November meeting; 12/3
- c. Goodenough presented request from NASW members who are emeritus active who are getting requests for paid consultation from individuals who are in private practice and are seeking consultation.
- d. The committee discussed the possibility of adding activities to the emeritus active license type including paid consultation to licensees and paid presentation for CEs. Committee discussion about allowing these types of activities all within the 500-hour cap. Licensing supervision and consultation are closely aligned and it is needed. Committee agrees this would be an excellent improvement and expansion to the consultation pool of individuals.

7. Recap & Action Items

- a. Adjust master meeting schedule to reflect 2020 dates
- b. Send new dates to committee members
- c. Add 2020 schedule to Agendas and Minutes templates
- d. Provide changes to the definitions to the Revisor ASAP
- e. Staff continue to work on talking points and side by side comparisons
- f. Staff will add language to Emeritus Active section to expand practice allowed to include professional development (tied to CE) and consultation (tied to .200).

8. Adjourn

- a. Meeting adjourned at 3:20 p.m.

2019 MEETING SCHEDULE

L&R Committee meets monthly, on the fourth Thursday, from 1:00 – 4:00 pm, unless otherwise noted. Meetings are open to the public under Minnesota Statutes Chapter 13D, and held at the Board office.

January 31, 1pm – 4pm	May 23	September 26
February 26, 3pm – 6pm	June 27	October 24
March 28, 1pm – 4pm	July 25	November 21
April 25	August 22	December 26

COMMITTEE CHARGE UNDER BOARD BYLAWS & 2015-2018 STRATEGIC PLAN

1. Determine need to conduct review “deep dive” of Social Work Practice Act MS 148E and remaining MS 148D provisions to ensure: 1) public protection 2) relevant regulation, 3) licensure mobility, 4) create operational efficiencies where possible, 5) identify and consider potential barriers, 6) consider overall workforce issues, 7) consider possible incorporation of technology standards into Practice Act – how board regulates technology in practice
2. Reference:
 - a. ASWB/NASW technology standards
 - b. ASWB Model Law
 - c. ASWB Mobility Strategy referendum
3. Work to repeal county social worker licensing exemption, including clarification of use of social work title in county agencies